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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,127	05/31/2001	Jeffrey D. Anderson	ITWO:0006	2561

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EXAMINER

SCHIFFMAN, JORI

ART UNIT PAPER NUMBER

3679

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,127

Applicant(s)

ANDERSON ET AL.

Examiner

Jori R. Schiffman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 16-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 16-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 4.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: The part numbered as 68 is not described in the specification. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1, 4-9, and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Copple et al. (US 5380136).

Regarding claim 1, Copple discloses an internally threaded fastener assembly comprising a stemmed washer having a washer portion 216, a standoff portion 28 integral with the washer portion and extending therefrom, and a retaining portion 220, and an internally threaded fastener 12 disposed adjacent to the washer portion and retained in assembly with the stemmed washer by the retaining portion.

As to claim 4, the standoff portion 28 forms a hollow right cylinder.

Referring to claim 5, the washer portion is generally planar.

Regarding claim 6, the fastener is a threaded nut having flats 244 extending from the stemmed washer.

Referring to claim 7, Copple discloses a threaded nut 12 having a lower peripheral flange 242 and a base having a washer portion 216, a standoff portion 28 extending from the washer portion, and a retaining skirt portion 220 extending from the washer portion and capturing the peripheral flange of the threaded nut to retain the threaded nut in assembly with the base.

As to claim 8, the fastener is a threaded nut having flats 244 extending from the stemmed washer.

Regarding claim 9, the standoff portion 28, the washer portion 216, and the retaining skirt portion 220 form a single-piece structure.

Referring to claim 11, the washer portion is generally planar.

As to claim 12, the standoff portion 28 forms a hollow right cylinder.

Regarding claim 13, Copple discloses an internally threaded fastener 12 and a base having a washer portion 216, a standoff portion 28 extending from the washer portion, and a retaining skirt portion 220 extending from the washer portion and capturing the peripheral flange of the threaded nut to retain the threaded nut in assembly with the base.

As to claim 14, the fastener includes a peripheral flange 242 extending radially therefrom, and the skirt portion captures the peripheral flange to retain the fastener in assembly with the base.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 10, 15, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Copple et al. (US 5380136) in view of McKinlay (us 5688091).

Regarding claim 2, Copple's fastener includes a peripheral flange 242. Copple fails to disclose the retaining portion extending radially inwardly to capture the peripheral flange and thereby retain the fastener in the assembly. McKinlay teaches the retaining portion 34 extending radially inwardly 40 to capture the peripheral flange 32 to retain the fastener in the assembly. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to construct the retaining portion in Copple's

assembly to extend radially inwardly to capture the peripheral flange to retain the fastener in the assembly.

As to claims 3, 10, and 15, Copple discloses the claimed fastener except for the fastener being rotatable with respect to the stemmed washer. McKinlay teaches a fastener being rotatable with respect to the washer so the faces on the fastener and washer can slide to provide wedge-locking action (col.2, l. 46-50). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to create a fastener and washer that are rotatable with respect to each other so the faces on the fastener and washer can slide to provide wedge-locking action.

Referring to claim 26, Copple discloses an internally threaded fastener assembly comprising a stemmed washer having a washer portion 216, a standoff portion 28 integral with the washer portion and extending therefrom, and a retaining portion 220, and an internally threaded fastener 12 disposed adjacent to the washer portion and retained in assembly with the stemmed washer by the retaining portion. Copple fails to disclose an externally threaded fastener that mates with the internally threaded fastener. McKinlay teaches an externally threaded fastener 12 which mates with the internally threaded fastener 20 to create a fastener kit. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to mate an externally threaded fastener with the internally threaded fastener of Copple's assembly to create a fastener kit.

Regarding claim 27, Copple discloses an internally threaded fastener assembly comprising a stemmed washer having a washer portion 216, a standoff portion 28 integral with the washer portion and extending therefrom, and a retaining portion 220, and an

internally threaded fastener 12 disposed adjacent to the washer portion and retained in assembly with the stemmed washer by the retaining portion. Copple fails to disclose an externally threaded fastener that mates with the internally threaded fastener, the externally threaded fastener including a head, and a compressible substrate joined between the standoff portion and the head of the externally threaded fastener. McKinlay teaches an externally threaded fastener 12 which mates with the internally threaded fastener 20 and includes a head 18. McKinlay further teaches a compressible substrate 14,16 joined between the standoff portion and the head of the externally threaded fastener to create a fastened joint. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to mate an externally threaded fastener including a head with the internally threaded fastener of Copple's assembly, and also include a compressible substrate joined between the standoff portion and the head of the externally threaded fastener in order to create a fastened joint.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited further to show the state of the art with respect to fastener assemblies in general: U.S. Pat. No. 5934851 to Stewert et al., U.S. Pat. No. 5528812 to Muller, U.S. Pat. No. 5468104 to Reid et al., U.S. Pat. No. 5020951 to Smith, U.S. Pat. No. 4900209 to Reynolds, U.S. Pat. No. 2779375 to O'Connor, and GB 2109079 A to Jameson.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jori R. Schiffman whose telephone number is 703-305-4805. The examiner can normally be reached on M-Th, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-872-9325. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3179.

Jori R. Schiffman
Examiner
Art Unit 3679

JS
May 30, 2002


Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3679